

Notice of Allowability

Application No.

10/086,906

Examiner

Anand Bhatnagar

Applicant(s)

NEWPORT ET AL.

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/28/02.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☒ The drawings filed on 02/28/02 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 02/28/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 03/03/05.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Allowable Subject Matter

1. Claims 1-26 are allowed.
2. The following is an examiner's statement of reasons for allowance: The closest prior art of Chen et al. (U.S. patent 6,468,218) discloses a medical imaging system wherein obtained images are analyzed and a histogram determined and compared to a reference histogram. Watson et al. (U.S. patent 6,429,434) discloses to perform transmission attenuation correction on PET and SPECT data. Neither Chen et al. nor Watson et al. discloses, regarding claim 1, the feature of "a histogram processor in communication with said acquisition processor, said histogram processor for creating a histogram; a transmission and attenuation processor in communication with said histogram processor, said transmission and attenuation processor for receiving said histogram; a normalization processor in communication with said histogram processor, said normalization processor for normalizing a plurality of emission event information contained in said histogram; a Mu image processor in communication with said transmission and attenuation processor, said Mu image processor for reconstructing a transmission data image; an attenuation correction processor in communication with said transmission and attenuation processor and with said normalization processor," that, in combination with the other claim limitations. Regarding claim 15, applicant is invoking 35 USC112, sixth paragraph, which corresponds to fig. 1 of the disclosure on pages 7-10. Regarding claim 25, neither Chen et al. nor Watson et al. teaches the feature of "histogramming said

acquired data and producing a set of histogram data; transmission and attenuation processing said set of histogram data and producing a set of transmission-attenuation data; normalizing said set of histogram data and producing a set of normalized data; reconstructing a mu image from said set of transmission-attenuation data and producing a set of mu image data; attenuation correcting said set of transmission-attenuation data and said set of normalized data, said step of attenuation correction producing a set of attenuation data," that, in combination with the other claim limitations.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Bhatnagar whose telephone number is (703) 306-5914, whose supervisor is Amelia Au whose number is 703-308-6604, group fax is 703-872-9306, and Tech center 2600 customer service office number is 703-306-0377.

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AB

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PRIMARY EXAMINER

Anand Bhatnagar

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March 03, 2005